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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,269	08/02/2000	Robert Jeff Heath	980182A	8516

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER	
MOORE, IAN N	
ART UNIT	**PAPER NUMBER**
2661	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	~~09/631,262~~ 09/631,269	HEATH THOMPSON ET AL.
	Examiner: Ian N Moore	Art Unit: 2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-51*.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

11/9/04

Continuation of 5. does NOT place the application in condition for allowance because: Continuation of 5. does NOT place the application in condition for allowance because: Regarding claim 1,18, 35, applicant is only claiming "local queues" and "global queues", which equate to Prieto's "wholesaler queue" and "retailer queue". Thus, whether not these queus are real or virtual is out of the scope since these limitations are not being claimed. It is well known in the art the data/packet/cell in the queue is moved, i.e., once a packet is en-queued, it must be de-queued. As shown in Prieto'228's FIG. 5 and 6 wholesaler and retailer queues stores and process the RQM (Reservation Query Message) that are moved between the queues. As shown in FIG. 5, the "request" (i.e. RQM requests) are received from the switch into the wholesaler queues which are then forwarded to retailer queue in FIG. 6, when the final winner selection is performed among plurality of request. Then, after the winner (i.e. a selected request) is replied back to the switch; see col. 9, lines 36-65. Moreover, in high-level view is shown in see FIG. 3 and 4. FIG. 4 shows that wholesaler and retailer queues are within MAC controller. FIG. 3 shows that the media access controller 30 receives bandwidth requests from ATM cells switch and replies the request back to the switch; see col. 7, lines 34 to col. 8, lines 10. Thus, it is clear that both RQM or bandwidth request are moved between the two stages of the queues. In particular, Prieto'228's global queues are modified (not replaced) according to the teaching of Montpeti'761 so that each queue corresponds to a data rate. Thus, it is clear that by modifying the Prieto'228's global queue with the teaching of Montpeti'761 queue utilization would not destroy the combination. Thus, Montpeti'761 does not teach away the combination. Yin'527 teaches the plurality of local channel/queues (see FIG. 2, Queues 1-N), wherein the cell is moved based on loading of the channel/queues (see FIG. 2, Service Interval-based scheduler 120; see FIG. 3A, step 310,315,325, 320 and 333; col. 3, line 30 to col. 4, lines 43; note that each queue is assigned a interval time (i.e. T (1)=10, T(2)=6 and T(2)=4, FIG. 3B), and the time is initialized from 0. The moving/selection from each queue is based upon the minimum interval time since the cells in selected queue has the earliest/smallest time (i.e. T(3)=4, see FIG. 3B). Note that the earlier/smaller the time, the heavier/fuller loading in the queue is, if compare to other queues, since it has the earliest time stamp. Thus, the scheduler 120 selects/moves the cell based on fullness/non-emptiness of the queue since fullness/non-emptiness is determined by the time interval). .